

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ARMEL BAXTER,
Petitioner,

v.

THOMAS MCGINLEY, et al.,
Respondents.

CIVIL ACTION

NO. 18-46

O R D E R

AND NOW, this 16th day of January, 2020, upon careful and independent consideration of the petition for a writ of habeas corpus, and after review of the Report and Recommendation of United States Magistrate Judge Timothy R. Rice, and Petitioner's Objections and Supporting Authority thereto, IT IS ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. The Petition for Writ of Habeas Corpus is DENIED with prejudice;
3. There is probable cause to issue a certificate of appealability;¹ and
4. The Clerk of Court shall mark this case closed for statistical purposes.

¹ We find that a certificate of appealability should be issued because we find that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and whether this Court was correct in its ruling. See *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

BY THE COURT:

s/ J. Curtis Joyner

J. CURTIS JOYNER, J.